

Circulating a Nominating Petition



Jason M. Gant

Jason M. Gant
South Dakota Secretary of State

Circulating a Nominating Petition

Are you thinking of running for office in South Dakota, but are unsure of how to go about doing so? This guide offers step-by-step instructions on how to fill out a nominating petition form and all of the other requirements needed to become a candidate.

General Information on Petition Requirements

- ◆ The first thing to note is that the declaration of candidacy **MUST** be completed prior to circulating for signatures. It is also good to note the declaration of candidacy **CANNOT** be signed before January 1st of the election year. The name will appear, on the ballot, in the **EXACT** form indicated in the declaration of candidacy.
- ◆ Once the declaration of candidacy is signed by a valid notary public, and all signatures are collected, you will be able to submit it. If photocopies are made of the originally signed petition sheet for circulation, the original petition **MUST** be submitted with the photocopied sheets. Each petition sheet must be a self-contained sheet (one sheet of paper, front and back) with the heading, declaration of candidacy, instructions to signers, signature lines and circulator's verification on a single sheet of paper.

- ◆ Depending on the office being sought, the petition will be filed with the corresponding body. Below is a list of the positions that would file with the correct body.

► Petitions filed with the **Secretary of State:**

- ▷ United States Senator
- ▷ United States Representative
- ▷ Governor
- ▷ Legislator
- ▷ Circuit Court Judge
- ▷ Water Development District
- ▷ Heartland Power District

► Petitions filed with the **County Auditor:**

- ▷ Auditor
- ▷ Commissioner
- ▷ Coroner
- ▷ Register of Deeds
- ▷ Sheriff
- ▷ State's Attorney
- ▷ Treasurer
- ▷ If applicable, County Finance Officer

- ◆ Please note that petitions postmarked by REGISTERED MAIL¹ prior to 5:00 p.m. on the last day to file, will be considered filed in a timely fashion. Certified and First Class mail received **AFTER** the deadline will **NOT** be considered filed.

- Petitions may NOT be circulated prior to January 1st of the election year.
- Party Nominating Petitions may be filed no earlier than January 1st, and no later than the March 25, 2014.
- Nominating Petitions for independent candidates may be filed no earlier than January 1st and no later than April 29, 2014
- Signatures of registered voters must be obtained between the date of the candidate's signed declaration of candidacy and the date of the circulator's verification.
- A candidate may not notarize their own petition.



¹ Registered mail is a mail service offered by the U.S. Postal Service, which provides detailed records of the letter, packet, or other document's locations as it is transferred from one location to another. Registered mail is used to send valuables and important documents because it is more secure than other document delivery service providers.

Petition Circulator Requirements

- ✓ Must be at least eighteen years of age
- ✓ Must make a reasonable inquiry of each signature line to determine that each signer is a registered voter of the state and county indicated on the signature line.
- ✓ The date, address, county of registration, and printed name may be added by the circulator prior to the petition being filed. Ditto marks may not be used.
- ✓ Must state under oath that no statute regarding petition circulation was knowingly violated.
- ✓ Must be a resident of the state of South Dakota.
- ✓ Can be employed at an hourly wage or salary. However, cannot be employed, rewarded, or compensated based on the number of registered voters who signed the petitions.
- ✓ Must personally witness each signature on the petition being circulated. The circulating petition verification must be completed following circulation and must include circulator's printed name, residence address, city, state, complete date and be signed under oath.
- ✓ The verification signature shall be witnessed by a notary public commissioned in South Dakota or other officer authorized to administer oaths.
- ✓ Must not be a registered sex offender.



Petition Signature Requirements

When someone signs a petition:

- They must print their name legibly.
- The signature line must show the month and day it was signed. The year is optional.
- They must include their county of the signer's vote registration.
- They must be a registered voter, active or inactive, in the state of South Dakota in the jurisdiction for which the petition is circulated.
- Signers must sign their names as they are registered to vote or as they usually sign their names.
- Each signature line must show a complete residence address.² This can be street and house number or rural route and box number in addition to the city or town. Zip codes are optional.
- All petition signers for political party candidates must be registered voters of that party.

Tips for circulator's: Signers may use numbers to designate the month and day. Common abbreviations used are acceptable (Jr, Sr, Ave, St, etc.) A voter may sign as many petitions for a particular office as there are positions to be filled.

² A signer in a first class municipality may not use a PO Box. The signer, if a resident of a second or third class municipality, may use a post office box number in lieu of a street address. Second and third class municipalities are those with less than 5,000 population. They would include all municipalities except the following, which are first class municipalities: Aberdeen, Belle Fourche, Box Elder, Brandon, Brookings, Huron, Madison, Mitchell, Pierre, Rapid City, Sioux Falls, Spearfish, Sturgis, Vermillion, Watertown, and Yankton. If the signer does not have a residence address or post office box number, a description of their residence location must be provided.

Steps for Filling out a Nominating Petition

Now that the General Information has been covered, let's move on to the process of filling out a Nominating Petition. Below, a sample of the Nominating Petition form has been broken into 4 separate parts. In each of the sections, the reader will have the chance to visualize how the petition should be filled and with the correct information.

The highlighted fields indicate what information is needed. Please note the information listed in the highlighted fields are there to help give the reader an idea of the information that the field should be filled in with.

WARNING: State law requires that each petition sheet be self-contained. This means that the petition heading, instructions to signers, signature lines and circulator's verification must all be printed on each sheet prior to circulation. The sheet may be printed front only or front and back. You CANNOT tape, staple or glue the front and back sides together. You CANNOT include sheets with signature lines only. If you have any questions about how to correctly prepare a petition sheet, please call the elections department at 773-3537.

Part 1 of 4

Below is the top most portion of the Nominating Petition form for a partisan election. In this section, the petition is requiring information for the party running.

NOMINATING PETITION FOR PARTISAN ELECTION (ie: Republican, Democratic, etc.) PARTY

INSTRUCTIONS TO CANDIDATE: The heading of this petition and the declaration of candidacy must be fully completed for signatures.

WE THE UNDERSIGNED qualified voters of (ie: Day County, Legislative District 3) (Insert the jurisdiction in which the office is sought: name of county, number of legislative district, or "state") of South Dakota and members of the (ie: Republican, Democratic, etc.) Party, nominate (Candidate Name), of (ie: Day) County, South Dakota, whose mailing address is (ie: Mailing Address - PO Box 123, Lily), SD (57274), and whose principal residence address is (ie: Residential Address - 123 West ABC Street, Lily), SD (57274), as a candidate for the office of (Position being sought - ie: U.S. Senate) at the Primary Election to be held June (DD), 20 (YY).

Part 2 of 4

For this section of the petition, you will need to fill out the declaration of candidacy. It is important to note, for this section, to be in the presence of an authorized notary public who is in good standing.

DECLARATION OF A CANDIDATE

I, (Print name EXACTLY as you wish it to appear on the ballot) (Print name EXACTLY as you want it to appear on the election ballot), under oath, declare that I am eligible to seek the office for which I am a candidate, that I am registered to vote as a member of the (ie: Republican, Democratic, etc.) Party, and that if I am a legislative or county commission candidate, I reside in the district from which I am a candidate. If nominated and elected, I will qualify in that office.

(Signed) (Your Signature - DO NOT SIGN until notary gives permission)
Sworn to before this (DD) day of (Month), 20 (YY)

(The Signature of the Administering Officer)

Signature of Officer Administering Oath

(The Officer's Official Title)

Title of Officer Administering Oath

(Seal)

My commission expires: (notary expiration date)

Part 3 of 4

After the petition has been signed and notarized, the process of circulating the petition may begin. While this process may seem fairly simple, the circulator must constantly be aware of the rules. While the instructions to the signing party are listed, the circulator may want to remind the signing party of the instructions.

INSTRUCTIONS TO SIGNERS:

1. Signers of this petition must individually sign their names in the form in which they are registered to vote or as they usually sign their names.
2. Before the petition is filed, each signer or the circulator must add the residence address of the signer and the date of signing. If the signer is a resident of a second or third class municipality, a post office box may be used for the residence address.
3. Before the petition is filed, each signer or circulator must print the name of the signer in the space provided and add the county of the voter registration.
4. Abbreviations of common usage may be used. Ditto marks may not be used.
5. Failure to provide all information requested may invalidate the signature.

NAME	RESIDENCE	DATE/COUNTY
Sign (Signature of Name)	Street and Number or Rural Route and Box Number (123 ABC Street)	Date of signing (MM/DD/YYYY)
Print (Printed Name)	City or Town (Lily)	County of Registration (Day County)
Sign (Signature of Name)	Street and Number or Rural Route and Box Number (123 ABC Street)	Date of signing (MM/DD/YYYY)
Print (Printed Name)	City or Town (Lily)	County of Registration (Day County)

Part 4 of 4

For the final section of this walk-through of the nominating petition form, the circulator of the petition is required to be in the presence of an authorized notary public in good standing to finalize their nominating petition.

VERIFICATION BY PERSON CIRCULATING PETITION

INSTRUCTIONS TO CIRCULATOR: This section **must** be completed following circulation and before filing

Print name of circulator (Circulator's Name) Residence Address (123 ABC Street) City (Lily) State (SD)

I, under oath, state that I circulated the above petition, that each signer personally signed this petition in my presence, and that either the signer or I added the printed name, the residence address of the signer, the date of signing and the county of the voter registration.

(The Signature of the Circulator)
Signature of Circulator

Sworn to me before this (DD) day of (Month), 20 (YY) (Signature of the Administering Officer)
(Seal) Signature of Officer Administering Oath

(The Title of the Administering Officer)
My Commission Expires (Notary Expiration Date) Title of Officer Administering Oath

Election Division
Tel: (605) 773-3537
Fax: (605) 773-6580

Visit Our Website
sdsos.gov

State Capitol
500 E. Capitol Avenue
Pierre, South Dakota 57501